The opinion in support of the decision being entered today was <u>not</u> written for publication in a law journal and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte OLGA BANDMAN and PHILLIP R. HAWKINS

Application 09/841,758

ORDER DISMISSING APPEAL

MAILED

JUL 2 9 2004

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Before HARKCOM, Acting Chief Administrative Patent Judge, and WILLIAM F. SMITH and NASE, Administrative Patent Judges.

Per curiam.

On June 16, 2003, appellants filed a Notice of Appeal. On July 23, 2004, appellants filed a communication stating that this application was "to become abandoned."

Accordingly, it is

ORDERED that the appeal filed June 16, 2003, is dismissed.

Application 09/841,758

The application is being returned to the examiner for further action as may be appropriate.

Gary V. Harkeom, Acting Chief Administrative Patent Judge

William F. Smith

Administrative Patent Judge

APPEAL

BOARD OF PATENT

INTERFERENCES

Jeffrey V. Nase Administrative Patent Judge

Incyte Corporation Experimentation Station Route 141 & Henry Clay Road Bldg. E336 Wilmington, DE 19880

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